

REMARKS

Upon entry of the amendment, claims 1 and 3-24 are all the claims pending in the application.

Claims 3-8 and 11-20 are withdrawn as being directed to non-elected claims.

Claim 1 has been amended to include the recitation "the mono-valent substituent is selected from the group consisting of hydrogen, halogen, alkyl, alkoxy, alkylsulfonyl, cyano, and nitro." Support is found in the specification at page 25 and page 28, lines 10-12. No new matter has been added.

Claims 1, 9-10 and 21-24 are rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for compounds of general formula 4 wherein G1 and G2 together form a substituted heterocycle, allegedly does not reasonably provide enablement for compounds of given formula 8 which are substituted with monovalent groups.

In response, Applicants have amended claim 1 to include the recitation "the mono-valent substituent is selected from the group consisting of hydrogen, halogen, alkyl, alkoxy, alkylsulfonyl, cyano, and nitro." As claims 9-10 and 21-24 depend from claim 1, all of the claims are properly enabling, and it is respectfully requested that the rejection be withdrawn.

Claims 1 and 21 are rejected under 35 U.S.C. § 103(a) as being obvious over Sorori (U.S. 6,468,711 B1).

Sorori is issued to the present Assignee and is prior art only under 35 U.S.C. § 102(e), because it issued after Applicants' effective filing date in the present application.

AMENDMENT UNDER 37 C.F.R. § 1.111
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In response, Applicants submit that Sorori and the present invention were, at the time the present invention was made, owned by, or subject to an obligation of assignment to Fuji Photo Film Co., Ltd.

Thus, in light of 35 U.S.C. § 103(c), Sorori is disqualified as prior art, and it is respectfully requested that the rejection be withdrawn.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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Date: October 2, 2003